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FAX COVER LETTER**CONFIDENTIAL**

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TO:	U.S. Patent Office Office of Internal Patent Examination's Filing Receipt Corrections	
FROM:	Donald J. Pochopien, Reg. No. 32,167	USER ID:8133
DATE:	June 28, 2004	
FAX NO.:	703/746-9195	
CLIENT:	1915	
MATTER:	13971US03	

Number of Pages This Transmission (Including Cover Page): 21

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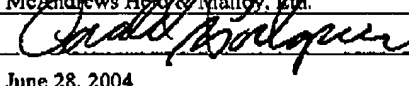

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number		09/722,205	
		Filing Date		November 25, 2000	
		First Named Inventor		Grooms, Jamie M., et al.	
		Group Art Unit		3738	
		Examiner Name		Snow, Bruce Edward	
Total Number of Pages in This Submission		20	Attorney Docket Number		RT11041B-1915/13971US03
ENCLOSURES (check all that apply)					
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO 1449/08A with references <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) (sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Request For A Corrected Filing Receipt with Exhibits A-F attached thereto <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____		<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <input type="checkbox"/> Reply Postcard	
Remarks					
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT					
Firm or Individual Name	Donald J. Pochopien, Reg. No. 32,167 McAndrews Held & Malloy, Ltd.				
Signature					
Date	June 28, 2004				
CERTIFICATE OF MAILING					
I hereby certify that this correspondence is being sent via facsimile to the United States Patent and Trademark Office, Office Of Initial Patent Examination's Filing Receipt Corrections at facsimile telephone number 1-703-746-9195 on June 28, 2004.					
Name (Print/type)	Donald J. Pochopien	Registration No. (Attorney/Agent)	32,167		
Signature			Date	06/28/2004	

ATTORNEY DOCKET No. RTI 104 IB /1915-13971US03

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

In the Application of:

Grooms, *et al.*

Serial No.: 09/722,205

Filed: November 25, 2000

For: "Intervertebral Spacers"
(As Amended)


Group Art Unit: 3738

Examiner: Bruce Edward Snow

CERTIFICATE OF FACSIMILE

I hereby certify that this paper (and all papers referred to herein) are being filed by facsimile with the U.S. Patent Office's OFFICE OF INITIAL PATENT EXAMINATION'S FILING RECEIPT CORRECTIONS, at facsimile telephone number 1-703-746-9195 on this date:

June 28, 2004



Donald J. Pochopien
Registration No. 32,167
Attorney for Applicants

REQUEST FOR A CORRECTED FILING RECEIPT

Office of Initial Patent Examination's Filing Receipt Corrections
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants first request that the "Domestic Priority Data" on the attached Official Filing Receipt of 04/15/03 (Exhibit A) be corrected to reflect the domestic priority data that was claimed in the amendment to the Official Action of 07/07/03 (Exhibit B), which claim of priority was approved in the Official Action of 02/18/04 at page 2 (Exhibit C).

Specifically, please correct the "Domestic Priority data" on page 1 of the Official Filing Receipt by adding the following claim of priority and inserting in its place the following claim of priority:

THIS APPLICATION IS A DIV OF 09/701,933, 08/20/2001
WHICH IS A 371 NATIONAL STAGE OF INT PCT/US98/177769, 08/27/1998
WHICH IS A CIP OF 08/920,630, 08/27/1997 ABN

In addition, the Applicants have filed by mail on 06/18/04 a **Second Request for Revocation of the powers of attorney and appointment of new attorneys.** [Exhibit D]. The original [Exhibit E], as attached thereto, was filed on 09/18/02. The Reply Post Card [Exhibit F], having a date stamp by the PTO of 09/23/02, reflects that the document was received by the Patent Office but was but was never acted upon by the Patent Office. In accordance with the **first and second** filings of the Revocation of Power of Attorney and the Appointment of New Attorneys, please update the top of page 1 of the Official Filing Receipt by deleting the name of the prior attorneys of record and inserting in their place the following:

Donald J. Pochopien
McANDREWS, HELD & MALLOY, LTD.
Citicorp Center, 34th Floor
500 West Madison Street
Chicago, Illinois 60661

For these reasons, a corrected filing receipt is in order and respectfully requested.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

By:



Donald J. Pochopien
Registration No. 32,167
Attorney for Applicants
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
(312) 775-8133

Date: June 28, 2004

J:\open\Djp\Regeneration Technologies\USPTO\13980US03\Req for Corrected Filing Receipt.doc

EXHIBIT A


 Commissioner for Patents
 Washington, DC 20231
 www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/722,205	11/25/2000	3732	1536	TB-1041B	22	32	9

CONFIRMATION NO. 3721

CORRECTED FILING RECEIPT



OC000000009844188

Date Mailed: 04/15/2003

29847

~~VANDYKE & ASSOCIATES, P.A.~~~~7200 LAKE ELLENOR DRIVE, SUITE 252~~~~ORLANDO, FL 32808~~

DONALD J. POCHOPIEN
 MCANDREWS, HEID & MALLOY, LTD
 CITICORP CENTER, 34th FLOOR
 500 W. MADISON ST.
 CHICAGO IL 60661

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jamie M. Grooms, Gainesville, FL;
 Kevin C. Carter, Gainesville, FL;
 Tom Sander, Alachua, FL;
 David H. Dulebohn, Naples, FL;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 03/27/2001

This application is a DIV of 09/701,933 08/20/2001
 which is a 371 National Stage of INT PCT/4598/17769
 08/27/1998
 which is a CIP of ~~4554~~ 08/920,630 08/27/1997 ABN

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Intervertebral spacers

Preliminary Class

623

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

EXHIBIT

B

ATTORNEY DOCKET NO. RTI-104IB
01915/13971US03

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

In the Application of:
Grooms, *et al.*

Serial No.: 09/722,205

Filed: November 25, 2000

For: "Intervertebral Spacers"
(As Amended)

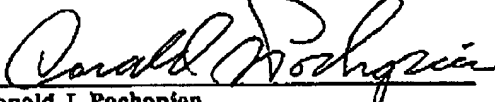
Group Art Unit: 3738

Examiner: Bruce Edward Snow

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450, on this date:

December 04, 2003


Donald J. Pochopien
Registration No. 32,167
Attorney for Applicants

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action of 07/07/03, for which a response was due 10/07/03, now extended two (2) months to 12/07/03, the Applicants respectfully request that the Examiner make the following amendments to the specification and the claims in addition to considering the Applicants' election of invention.

Amendments to the Specification:

At the top of page 1 of the specification, immediately below the title, please delete the paragraph inserted in the Second Preliminary Amendment of 04/10/03, and insert the following substitute paragraph:

This application is a ~~continuation~~ division of USSN 09/701,933, filed 08/20/01, now pending, which is ~~the~~ a 371 National Stage of International Application No. PCT/US98/17769, filed 08/27/1998, which is a continuation-in-part of USSN 08/920,630, filed 08/27/1997, now abandoned.

Delete the paragraph at page 3, lines 21-22 and substitute therefore the following paragraph:

Figures 12-17 show final profiles for implants produced according to the alternate method of figures 10 and 11. Fig. 12E show an embodiment of the implant of Fig. 12A formed from two stacked components. Fig. 12F show an embodiment of the implant of Fig. 12A formed from two components in juxtaposition.

EXHIBIT C

Application/Control Number: 09/722,205
Art Unit: 3738

Page 2

DETAILED ACTION

Priority

The priority as claimed is approved. It is noted that the elected species shown figures 12A-12D is not supported in USSN 08/920,630, therefore the earliest date is the filing date of the PCT/US98/17769.

Election/Restrictions

Claims 46-51, 58-59, 63-64 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 18.

Regarding claims 46-51 and 63-64, the elected embodiment is constructed by an alternate method of production to produce unitary implants and not assembled, stacked, joined, etc. See specification page 19, lines 20 et seq.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 45 and 52-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 45, line 6, "said surface" is ambiguous to which surface.

Regarding claim 45, "angling toward the anterior end" is not understood.

Regarding claim 45, does "angling toward the anterior end" describe all three, projections, ribbing, and teeth; or just one teeth?

EXHIBIT D

ATTORNEY DOCKET NO. RTI-104IB/1815/13971US03

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

In the Application of:

Grooms, *et al.*

Serial No.: 09/722,205

Filed: November 25, 2000

For: "Intervertebral Spacers"
(as amended)

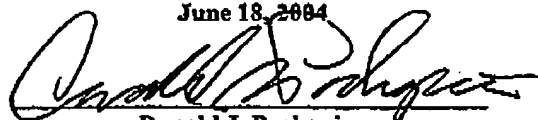
Group Art Unit: 3732

Examiner: Snow, Bruce Edward

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date:

June 18, 2004



Donald J. Pochopien
Registration No. 32,167
Attorney for Applicants

**SECOND REQUEST FOR
REVOCATION OF PRIOR POWERS OF ATTORNEY
APPOINTMENT OF NEW ATTORNEYS
AND
NEW CORRESPONDENCE ADDRESS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

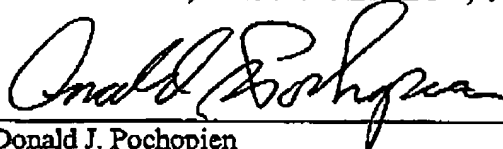
On September 18, 2002, the Assignee, Regeneration Technologies, Inc., filed under a certificate of mailing a "REVOCATION OF PRIOR POWERS OF ATTORNEY APPOINTMENT OF NEW ATTORNEYS AND NEW CORRESPONDENCE ADDRESS". A copy of that document and the date-stamped Reply Post Card are attached hereto as Exhibit A. The date-stamped Reply Post Card reflects that the document was received by the U.S. Patent Office on September 23, 2002. However, the record does not reflect that any such action was taken by the Patent Office. Recently, the Patent Office sent documents relating to this application to the prior attorneys of record. Applicants hereby

request that the Patent Office update its files to reflect the "REVOCATION OF PRIOR POWERS OF ATTORNEY APPOINTMENT OF NEW ATTORNEYS AND NEW CORRESPONDENCE ADDRESS" as attached hereto as Exhibit A.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

By:



Donald J. Pochopien
Registration No. 32,167
Attorney for Applicants
500 West Madison Street
34th Floor
Chicago, Illinois 60661
(312) 775-8133

Date: June 18, 2004

EXHIBIT E

ATTORNEY DOCKET NO. RTI-1041B-1915/13971US03

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

In the Application of:

Grooms, Jamie, M., *et al*

Serial No.: 09/722,205

Filed: November 25, 2000

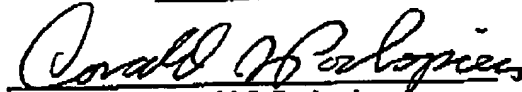
For: "Cortical Bone Cervical Smith-
Robinson Fusion Implant

Group Art Unit: 3738

Examiner: Unknown

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this date:

9-18-02


Donald J. Pochopien
Registration No. 32,167
Attorney for Applicants

**REVOCATION OF PRIOR POWERS OF ATTORNEY
APPOINTMENT OF NEW ATTORNEYS
AND
NEW CORRESPONDENCE ADDRESS**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Assignee, Regeneration Technologies, Inc., hereby revokes all prior powers of attorney and hereby appoints:

George P. McAndrews
John I. Held
Timothy J. Malloy
William M. Wesley
Lawrence M. Jarvis
Gregory J. Vogler
Jean Dudek Kuelper
Herbert D. Hart III
Robert W. Fieseler
Thomas J. Wimbiscus
Steven J. Hampton
Priscilla F. Gallagher
Stephen F. Sherry
Patrick J. Arnold Jr.
George Wheeler
Janet M. McNicholas
Ronald E. Larson
Christopher C. Winslade
Edward A. Mas II

Reg. No. 22,760
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Reg. No. 27,341
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Reg. No. 30,171
Reg. No. 30,063
Reg. No. 31,826
Reg. No. 36,059
Reg. No. 33,707
Reg. No. 32,223
Reg. No. 30,590
Reg. No. 37,769
Reg. No. 28,766
Reg. No. 32,918
Reg. No. 24,478
Reg. No. 36,308
Reg. No. 37,179

Gregory C. Schodde	Reg. No. 36,668
Edward W. Remus	Reg. No. 25,703
Donald J. Pochopien	Reg. No. 32,167
Sharon A. Hwang	Reg. No. 39,717
David D. Headrick	Reg. No. 40,642
Dean D. Small	Reg. No. 34,730
Alejandro Menchaca	Reg. No. 34,389
Kirk A. Vander Leest	Reg. No. 34,036
Richard T. McCaulley, Jr.	Reg. No. 41,977
Anthony E. Dowell	Reg. No. 39,661
Peter J. McAndrews	Reg. No. 38,547
Michael B. Harlin	Reg. No. 43,658
Jonathan R. Sick	Reg. No. 43,920
Eligio C. Pimentel	Reg. No. 42,076
James Nuttall	Reg. No. 44,978
James P. Murphy	Reg. No. 40,741
Dean Pelletier	Reg. No. 45,007
Joseph M. Barich	Reg. No. 42,291
Scott P. McBride	Reg. No. 42,853
Patricia Jane McGrath	Reg. No. 44,919
Christopher V. Carani	Reg. No. 44,049

the address and telephone number of each of whom is McAndrews, Held & Malloy, Ltd., 500 West Madison Street, 34th Floor, Chicago, Illinois 60661, 312-775-8000, as its attorneys, with full power of substitution and revocation concerning this patent and to transact all business in the U.S. Patent and Trademark Office connected therewith; and it is hereby requested that all correspondence from the Patent and Trademark Office concerning this application be addressed to:

Donald J. Pochopien
MCANDREWS, HELD, & MALLOY, LTD.
Citicorp Center, 34th Floor
500 West Madison Street
Chicago, Illinois 60661

REGNERATION TECHNOLOGIES, INC.

Date: September 13, 2002

By: 

Typed Name:

Thomas F. Rose

Title:

Chief Financial Officer

EXHIBIT F

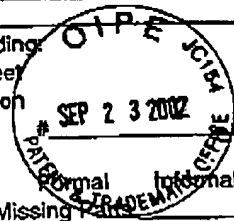
LAWY
NGUYEN

ASSISTANT COMMISSIONER FOR PATENTS

Sir: Please place the USPTO receipt stamp hereon and place in outgoing mail to acknowledge receipt of:

Docket No: 1915/139/1US03 RTI-1C41B
 Applicant: Grooms, Jamie. M., et al.
 Serial No.: 09/722,205
 Filed: November 25, 2000

- ☐ Transmittal
☐ Fee \$
☐ Patent Application including:
 ☐ Page(s) Cover Sheet
 ☐ Page(s) Specification
 ☐ Page(s) Claims
 ☐ Page(s) Abstract
 ☐ Page(s) Drawings
☐ Response to Notice of Missing Parts
☐ Declaration & POA Signed Unsigned
☐ Amendment Page(s)
☐ Assignment Page(s) Cover Sheet Page(s)
☐ IDS with PTO-1449 Page(s)
 ☐ Cited References
☒ Other Revocation of Prior Powers of Attorney / Appointment of New Attorneys and New Correspondence Address
☒ Certificate of Mailing as dated below
☐ Certificate of Express Mailing as dated below
☐ Express Mail Label No. _____



Dated: September 18, 2002

Respectfully: **McANDREWS, HELD & McILLOY, LTD.**

Attorneys for Applicant
 D.J. Pochopien